

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

Ronald O. Lee,	)	
	)	
Plaintiff,	)	
v.	)	
	)	Case No. 3:05-cv-47
Jo Anne Barnhart,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

Before the court is Ronald O. Lee's *pro se* motion to proceed *in forma pauperis* (IFP) for his appeal to the Eighth Circuit Court of Appeals (Doc. #16). The court has reviewed the income, assets, and monthly expenses of the Lee family. For the following reasons, the magistrate judge **RECOMMENDS** that Lee's motion for leave to appeal IFP be **DENIED** (Doc. #16).

The application completed by Lee is difficult to evaluate. Items in the same category—such as expenses—are listed with yearly, monthly, or weekly totals, despite the clear instruction to adjust all amounts to monthly rates. Many items have nearly illegible comments written beside the amount. Thus, the magistrate judge has difficulty assessing Lee's overall financial situation.

The court does note the application states that Lee owns land valued at \$108,000. Apparently, he does not have a mortgage payment on the land, and he receives rental income. At the time of the application, Mrs. Lee earned over \$3,000 per month. Lee states his spouse's income will be declining in the future because she is reducing her work hours. However, Mrs.

Lee is voluntarily reducing her hours for personal reasons.

Several of the expenses listed are bills for credit cards. The court cannot determine whether the listed amounts represent total credit balances or monthly payments. However, Lee does have access to credit cards and therefore presumably has the option of paying the filing fee by credit card.

Given the Lee family assets and income, the magistrate judge concludes Ronald Lee can pay the appellate filing fee. **IT IS RECOMMENDED** that Lee's IFP application (Doc. #16) be **DENIED**.

Pursuant to Local Rule 72.1(E)(4), any party may object to this recommendation within ten (10) days after being served with a copy.

Dated this 7th day of December, 2006.

/s/ Karen K. Klein

Karen K. Klein

United States Magistrate Judge